

Policy Regarding Transcripts of Audio/visual Recordings

A party intending to introduce an electronically or digitally recorded statement* must, at the time the rules require disclosure of the statement, advise the opposing party of the format (audio or video tape, CD, DVD, etc.) in which the statement is preserved, and upon the request of the court must, prior to trial, timely prepare, serve and file a verbatim transcript of the recorded statement. The proponent of the recorded statement is responsible for its accurate transcription. Failure to comply with these requirements may result in exclusion of the recorded statement at trial.

If during a pre-trial hearing a party uses or offers as evidence an audio or video recording, and other parties wish to have a transcript of that hearing to assist in the preparation of memoranda of law to be filed with the court, the party submitting the recording will have a verbatim transcript of it prepared and provided in a timely fashion to the requesting party or parties, as well as to the court. The court may also order such transcript *sua sponte*.

In the event of an appeal, the offering party must produce and file a verbatim transcript of the recorded statement within 30 days of the filing of the notice of appeal, if such transcript was not previously provided to the court.

**This policy applies, but is not limited, to recordings of 911 calls, answering machine messages, scale tapes, child interviews, crime scene walk-throughs and depositions.*

Adopted by the Ninth
District Bench on
August 24, 2007